

FILED

DEC 02 2010

U. S. DISTRICT COURT
E. DIST. OF MO.
ST. LOUIS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

LOWELL AUGHENBAUGH,

Defendant.

No. 4:10CR0611SNLJ

INDICTMENT

INTRODUCTION

At all times material to this indictment:

1. Lowell Aughenbaugh, the defendant herein, was a resident of the State of Illinois.
2. J.A.#1, a person known to the Grand Jury, was a resident of the State of Illinois, and also resided in the Eastern District of Missouri.
3. J.A.#2, a person known to the Grand Jury, resided in the Eastern District of Missouri.
4. C.A., a person known to the Grand Jury, resided in the Eastern District of Missouri.

COUNT I

The Grand Jury charges that:

On or about, January 3, 2010, in the Eastern District of Missouri, and elsewhere,

LOWELL AUGHENBAUGH

the defendant herein, did knowingly possess one or more of the following machineguns, as that term is defined in Title 18, United States Code, Section 921 (a)(32) and Title 26, United States Code, Section 5845(a) and (b):

1. a M56-type 7.62x25 mm caliber automatic firearm, being 34 5/8 inches in overall length with the markings "55798" on the folding metal stock pistol grip; and
2. a M56-type 7.62x25 mm caliber automatic firearm, being 34 5/8 inches in overall length with the markings "39896" on the folding metal stock pistol grip; and
3. a M56-type 7.62x25 mm caliber automatic firearm, being 34 5/8 inches in overall length with the markings "31870" on the folding metal stock pistol grip; and
4. a M56-type 7.62x25 mm caliber automatic firearm, being 34 5/8 inches in overall length with the markings "22682" on the folding metal stock pistol grip; and
5. a M56-type 7.62x25 mm caliber automatic firearm, being 34 5/8 inches in overall length with the markings "48738" on the folding metal stock pistol grip; and
6. a M56-type 7.62x25 mm caliber automatic firearm, being 34 5/8 inches in overall length with the markings "21241" on the folding metal stock pistol grip; and
7. a M56-type 7.62x25 mm caliber automatic firearm, being 34 5/8 inches in overall length with the markings "24646" on the folding metal stock pistol grip; and
8. a M56-type 7.62x25 mm caliber automatic firearm, being 34 5/8 inches in overall length with the markings "26344" on the folding metal stock pistol grip; and
9. a M56-type 7.62x25 mm caliber automatic firearm, being 34 5/8 inches in overall length with the markings "23643" and "6228" on the folding metal stock pistol grip; and
10. a Vulcan, Model V47, 7.62x39mm caliber automatic firearm, being 24 1/2 inches in overall length, bearing serial number KO1155, and the marking "S-BS4625" on the receiver and a plastic pistol grip; and

11. a STEN-type, 9mm Luger caliber automatic firearm, bearing the markings "G27232" and "S68" on the underside of the magazine weld, and "STEN M.C." and "SA" on the top of the magazine weld; and

12. a STEN-type, 9mm Luger caliber automatic firearm, bearing the markings "E86679" and "LB" on the underside of the magazine weld, and "STEN M.C. M.K." and "SA" on the top of the magazine weld; and

13. a STEN-type, 9mm Luger caliber automatic firearm, bearing the markings "19593" and "LB" on the underside of the magazine weld, and "STEN M.C. M.K." and "SA" on the top of the magazine weld; and

14. a STEN-type, 9mm Luger caliber automatic firearm, bearing the markings "6" and "LB" on the underside of the magazine weld, and "EN M.C." and "SA" on the top of the magazine weld; and

15. a STEN-type, 9mm Luger caliber automatic firearm, bearing the markings "07096" and "L.B." on the underside of the magazine weld, and "STEN M.C. MK" and "SA" on the top of the magazine weld;

In violation of Title 18, United States Code, Section 922(o) and punishable under Title 18, United States Code, Section 924(a)(2).

COUNT II

The Grand Jury further charges that:

1. The allegations set forth in Count I, paragraphs 1 through 15, are incorporated by reference as if fully set forth herein.

2. On or about January 3, 2010, in the Eastern District of Missouri, and elsewhere

LOWELL AUGHENBAUGH,

the defendant herein, did knowingly make a firearm, that being a machinegun identified in Count I, paragraphs 1 through 15, in violation of the provisions of Title 26, Chapter 53, Sections 5822, and 5841- 5842.

In violation of Title 26, United States Code, Section 5861(f) and punishable under Title 26, United States Code, Section 5871.

COUNT III

The Grand Jury further charges that:

1. The allegations set forth in Count I, paragraphs 1 through 15, are incorporated by reference as if fully set forth herein.

2. On or about January 3, 2010, in the Eastern District of Missouri, and elsewhere

LOWELL AUGHENBAUGH,

the defendant herein, did knowingly receive and possess a firearm, that being a machinegun identified in Count I, paragraphs 1 through 15, which was not registered to the defendant in the National Firearms Registration and Transfer Record.

In violation of Title 26, United States Code, Section 5861(d) and punishable under Title 26, United States Code, Section 5871.

COUNT IV

The Grand Jury further charges that:

1. The allegations set forth in the Introduction to Count I are incorporated by reference as if fully set forth herein.

2. From on or about December 31, 2009 to on or about January 1, 2010, in the Eastern District of Missouri, and elsewhere,

LOWELL AUGHENBAUGH

the defendant herein, did knowingly transmit or cause to be transmitted in interstate commerce, a communication containing a threat to injure the person of another, that being J.A#2, among others.

In violation of, and punishable under, Title 18, United States Code, Section 875(c).

COUNT V

The Grand Jury further charges that:

1. The allegations set forth in the Introduction to Count I are incorporated by reference as if fully set forth herein.

2. From on or about December 31, 2009 to on or about January 1, 2010, in the Eastern District of Missouri, and elsewhere,

LOWELL AUGHENBAUGH

the defendant herein, did knowingly transmit or cause to be transmitted in interstate commerce, a communication containing a threat to injure the person of another, that being C.A. among others.

In violation of, and punishable under, Title 18, United States Code, Section 875(c).

A TRUE BILL.

FOREPERSON

RICHARD C. CALLAHAN
United States Attorney

MATTHEW T. DRAKE